

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**IN RE: ETHICON, INC., PELVIC REPAIR  
SYSTEM PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

**THIS DOCUMENT RELATES TO ALL CASES**

**APPLICATION OF MARK R. MUELLER FOR APPOINTMENT  
TO THE PLAINTIFFS' STEERING COMMITTEE**

The undersigned, Mark R. Mueller, of the law firm of Mueller Law, PLLC, submits this Application for the Plaintiffs' Steering Committee and respectfully shows the following:

Mr. Mueller has reviewed the Proposed Counsel Structure Plan filed with the court on March 19, 2012 for MDLs 2325, 2326, and 2327 and joins in the recommendation to the court that the plan be accepted. The Mueller firm has numerous civil actions in all three MDLs.

Mr. Mueller earned his undergraduate degree in psychology with a minor in philosophy from the University of Wisconsin-Madison in 1978 and received his J.D. from the University of Houston Law Center in 1981.<sup>1</sup> Mr. Mueller has been recognized in "Texas Super Lawyers" and "Best Lawyers in America" publications and the National Trial Lawyers Association "Top 100 Trial Lawyers" every year since 2007. Mr. Mueller is a graduate and faculty member of Gerry Spence's Trial Lawyers College.

Mr. Mueller has over thirty years' experience in scientific- and expert-intensive birth injury, products liability, medical malpractice, and brain injury litigation, with over 80 cases resolved through verdict or settlement for seven or eight figures. Notably, Mr. Mueller represented the Blackfeet Nation Indian Tribe against the U. S. Department of Agriculture, U.S. Forest Service, Rocky Mountain Ranger District, U.S. Department of Interior Bureau of Land Management, and the Lewis and Clark National Forest in a decade-long, pro bono battle over proposed oil drilling on sacred Blackfeet land.

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<sup>1</sup> Mr. Mueller is admitted to practice before the following district courts: Eastern and Western Districts of Arkansas; Colorado; Middle and Northern Districts of Georgia; Western District of Louisiana; Montana; Northern, Western, and Eastern Districts of Oklahoma; Eastern District of Pennsylvania; Eastern, Northern, Western, and Southern Districts of Texas; and Eastern District of Wisconsin. He is admitted to the following state courts: Texas, Wisconsin, Louisiana, Montana, Oklahoma, Pennsylvania, and Georgia. A copy of a Certificate of Good Standing for Mr. Mueller from the Texas Supreme Court is attached hereto as "**Exhibit 1.**"

Mr. Mueller also has experience in complex, multi-party litigation involving birth defects and medical devices. In the Gadolinium MDL No. 1909, he is lead plaintiff's counsel in *Willey v. Gen. Electric Co.* (N.D. Ohio) before Judge Polster. Mr. Mueller also represents eight plaintiffs in MDL No. 2004, *In re: Mentor Obtape* (M.D. Ga.) before Judge Land. Regarding MDLs 2325, 2326, and 2327, Mr. Mueller's firm has filed 106 cases: forty in 2325, thirty-one in 2326, and thirty-five in 2327, with approximately 850 more to be filed. The Mueller firm has committed to these MDLs six attorneys, two OB-GYN doctors (one of whom also has a J.D.), two registered nurses, and a full support staff. Of particular note are the complementary strengths of lawyers Margaret M. Thompson, M.D., J.D., MPAff and Andres C. Pereira.

Dr. Thompson is one of the few doctor-lawyers in the United States working in the field of women's health advocacy and the only one actively involved in this litigation. Dr. Thompson graduated with honors from Duke University Medical School in 1978 and completed her residency at Duke University Medical Center in 1982. She practiced OB-GYN for thirty years. While in practice, she attended the University of Texas School of Law, graduating in 2007, and earned her masters degree in public affairs in 2008 from the University of Texas at Austin.

Dr. Thompson is board certified in Obstetrics and Gynecology, a fellow of the American College of Obstetrics and Gynecology, and a member of the American Urogynecology Society and the International Urogynecology Association. She has treated thousands of women for stress urinary incontinence and pelvic organ prolapse and has extensive knowledge of pelvic anatomy and physiology, pelvic disorders, surgical techniques, and management of surgical complications including those associated with mesh. Dr. Thompson has special interest and expertise in issues relating to the vagina. She has published articles in peer-reviewed journals in this area and served as a national spokesperson for vaginal health.<sup>2</sup> In addition, Dr. Thompson has first-hand knowledge of pharmaceutical and medical device marketing. She has held numerous leadership positions, including serving as the gynecologist for the University of Texas Women's Athletic program for

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<sup>2</sup> E.g., Margaret M. Thompson, *A Cross-National Comparison of Women's Health Practices Toward and Awareness of the Vagina*, 107 *Obstetrics & Gynecology* 875 (2006); Margaret M. Thompson, *Women's Attitudes, Perceptions, and Knowledge about the Vagina*, 4 *Sexuality, Reproduction, & Medicine* 74 (2006); Margaret M. Thompson, *Vaginal Therapies: Increasing Doctor and Patient Acceptance*, Association of Reproduction Health Professionals, CORE Curriculum (Sept. 2010).

over twenty years. Her experience in science, medicine, law, and public policy is unique and will be invaluable in this litigation.

Andres Pereira graduated from the University of Wisconsin-Madison in 1991 and from the South Texas College of Law in 1995. Mr. Pereira has extensive trial and multi-district and complex litigation experience, including numerous MDLs involving pharmaceuticals or medical devices.<sup>3</sup> In the Sulzer Hip and Knee MDL, in cooperation with class counsel, he was successful in improving the proposed class settlement by nearly doubling the value to just under \$1 billion, while avoiding the bankruptcy of Sulzer and thereby maximizing the recovery to the class. Because of his MDL experience, Mr. Pereira can successfully manage and move MDL litigation forward and cooperate and coordinate with other parties. Finally, Mr. Pereira is of Hispanic heritage and speaks Spanish fluently, important diversity-related qualities.

Mr. Mueller's legal experience, his involvement with hundreds of cases in these MDLs and other state courts, and his and his staff's experience and persistent advocacy for the women and families affected by transvaginal mesh illustrate Mueller Law's unwavering commitment to bring these MDL cases to a just and speedy resolution. Based on the foregoing, Mr. Mueller respectfully requests appointment to the Plaintiffs' Steering Committee in these MDL proceedings.

Respectfully submitted this 23rd day of March, 2012.

/s/Mark R. Mueller  
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<sup>3</sup> Mr. Pereira has participated in the following MDLs: *In re Prudential-Bache Energy Income P'ships Sec. Litig.*, MDL 888, E.D. La., Marcel Livaudais, Jr., J.; *In re Diet Drugs (Phen./ Fen./Dexfenfluramine) Prods. Liab. Litig.*, MDL 1203, E.D. Pa., Harvey Bartle, III, J.; *In re Yasmin and Yaz (Drospirenone) Mktg., Sales Practices and Prods. Liab. Litig.*, MDL 2100, S.D. Ill., David R. Herndon, C.J.; *In re Prempro Prods. Liab. Litig.*, MDL 1507, E.D. Ark., Billy Roy Wilson, J.; *In re Aredia and Zometa Prods. Liab. Litig.*, MDL 1760, M.D. Tenn., Todd J. Campbell, J.; *In re Fosamax Prods. Liab. Litig.*, MDL 1789, S.D.N.Y., John F. Keenan, Sr. D.J.; *In re Enron Corp. Sec., Derivative, and "ERISA" Litig.*, MDL 1446, S.D. Tex., Melinda Harmon, J.; *In re Air Crash at Belle Harbor, N.Y., on Nov. 12, 2001*, MDL 1448, S.D.N.Y., Robert W. Sweet, J.; *In re Sulzer Orthopedics Inc. Hip Prosth. and Knee Prosth. Prods. Liab. Litig.*, MDL No. 1401, N.D. Ohio, Kathleen M. O'Malley, J.; and *In re Tobacco/ Gov'tal Health Care Costs Litig.*, MDL 1279, D.D.C., Paul L. Friedman, J.

**CERTIFICATE OF SERVICE**

I hereby certify that on March 23, 2012 I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorneys of record registered on the CM/ECF system.

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